

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

03914 U.S. PTO
10/632973
09/04/03

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Prior Application Art Unit: 1637 Prior Application Examiner: Joyce TUNG

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/583,717 filed May 30, 2000 of Vincent SANCHIS, Didier LERECLUS, Ghislaine MENOU, Marguerite-Marie LECADET, Daniel MARTOURET and Raymond DEDONDER for NUCLEOTIDE SEQUENCES CODING FOR POLYPEPTIDES ENDOWED WITH A LARVICIDAL ACTIVITY TOWARDS LEPIDOPTERA.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/583,717 as originally filed on May 30, 2000, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ Cancel Claims 1-36.
5. ☒ A Preliminary Amendment is enclosed, adding new claims 37-42.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

08/04/03



Basic Application Filing Fee					\$750	\$ 750.00
	Number of Claims		Basic	Extra Claims		
Total Claims	12	-	20	0	x \$18	0.00
Independent Claims	1	-	3	0	x \$84	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	0.00
Subtotal						\$ 750.00
Reduction by 1/2 if small entity					-	0.00
TOTAL APPLICATION FILING FEE						\$ 750.00

7. ☒ A check in the amount of \$750.00 to cover the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☐ New acceptable drawings are enclosed.
10. ☒ The prior application is assigned of record to: Institut Pasteur and Institut National de la Recherche Agronomique.
11. ☒ Priority of Application No. 87/08090, filed June 10, 1987, in France, Application No. 88 401 121, filed May 6, 1988, in Europe, and International Application No. PCT/FR88/00292, filed June 9, 1988, are claimed under 35 U.S.C. § 119. Certified copies
☐ is enclosed or ☒ are on file in the prior application.
12. ☐ Small entity status is appropriate and applies to this application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593;

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14. ☐

The power appears in the original declaration of the prior application.

15. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
17. ☐ Recognize as associate attorney _____
18. ☒ Also enclosed is Sequence Listing, Information Disclosure Statement with PTO 1449 Form.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/583,717, filed May 30, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 4, 2003

By: Timothy B. J. Myers Reg. No. 43,572 for:
Kenneth J. Meyers
Reg. No. 25,146